

REMARKS

Status of the Claims

Claims 1-11 and 24 are currently pending. Claims 12-23 and 25 have been cancelled without prejudice or disclaimer of the subject matter claimed therein.

Claims 1-11 and 24 have been amended. Support for the amendments to the claims can be found throughout the specification. Representative support is summarized below. The amendments to the claims do not introduce prohibited new matter.

Claims 1-11 and 24 have been amended to delete the recitation of “*in vivo* hydrolysable ester” because the compounds will not form an “*in vivo* hydrolysable ester”.

Claims 10 and 24 have been amended to replace “as claimed in” with “according to” for consistency in the format of the claims.

Claim 24 has been amended to replace “cancer” with “rheumatoid arthritis”. Representative support for this amendment can be found in claim 19 as originally filed. This amendment narrows the scope of cancelled claims 22 and 23. Accordingly, this amendment does not raise new issues requiring further search and examination.

The above amendments are being made for the purpose of expediting the prosecution of this application to allowance, and are being made without waiver or prejudice to Applicants’ right to prosecute subject matter deleted thereby in one or more continuing applications. Inasmuch as the amendments narrow the scope of the claims and place the application in condition for allowance, Applicants respectfully request entry of this amendment after final rejection.

Provisional Obviousness Type Double Patenting

A. Claims 1-11 and 22-25 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 8-10, and 21-24 of copending Application 10/507,169.

Enclosed is a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 and 173, as presently shortened by any

terminal disclaimer, of any patent granted on pending reference Application Number 10/507,169.

B. Claims 1-11 and 22-25 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17, 21, 33, and 35 of copending Application 10/507,081.

Enclosed is a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 and 173, as presently shortened by any terminal disclaimer, of any patent granted on pending reference Application Number 10/507,081.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 22-25 are rejected under 35 U.S.C. § 112, first paragraph, as being enabling only for a method of treating rheumatoid arthritis.

While Applicants do not necessarily agree with this ground for rejection, claims 22, 23, and 25 have been cancelled in an effort to advance the prosecution of this application to allowance. Claim 24 has been amended to be directed to a method of treating rheumatoid arthritis. It is understood that a directed to a method for treating rheumatoid arthritis is enabled and therefore allowable. Accordingly, claim 24 is allowable.

Updated Statement Regarding Technically Related Pending Applications

Applicants wish to update the Examiner with respect to the current status of the following technically related applications of Applicants' assignee, which applications were previously discussed at page 13 of the Amendment and Response filed herein November 19, 2007.

US Application 10/507,081 is currently pending before Examiner Deepak R. Rao. A response to the final Office Action was filed on June 3, 2008.

US Application 10/507,162 is currently pending before Examiner Deepak R. Rao. A Notice of Allowance was mailed May 29, 2008.

US Application 10/507,169 is currently pending before Examiner Deepak R. Rao, and is currently pending before Examiner Deepak R. Rao, with no allowed claims. A final rejection of all claims was mailed on February 26, 2008, and a response thereto was filed on May 27, 2008 and is awaiting further action by the Examiner.

US Application 10/556,561 is currently pending before Examiner Venkataraman Balasubramanian, and a Notice of Allowance was mailed on May 13, 2008.

US Application 10/556,607 has been assigned to Examiner Deepak R. Rao, and a first Action is predicted to be mailed in 4 months from the present date.

US Application 10/586,954 has been assigned to Examiner Deepak R. Rao, and a first Action is predicted to be mailed in 6 months from the present date.

US Application 11/793,254 is still undergoing preexam processing and has not yet been assigned to a Group Art Unit or to an Examiner, and no prediction is available as of yet as to when a first Action might be mailed. A response to a Notice to File Missing Requirements was filed on May 12, 2008, together with a further Information Disclosure Statement and a Preliminary Amendment.

US Application 11/817,389 is still undergoing preexam processing and has not yet been assigned to a Group Art Unit or to an Examiner, and no prediction is available as of yet as to when a first Action might be mailed.

US Application 11/995,159 is still undergoing preexam processing and has not yet been assigned to a Group Art Unit or to an Examiner. A first Action is predicted to be mailed in 24 months from the present date.

US Application 11/995,159 is still undergoing preexam processing and has not yet been assigned to a Group Art Unit or to an Examiner, and no prediction is available as of yet as to when a first Action might be mailed.

It is understood that the Examiner has full electronic access to each of these files. However, the undersigned would be happy to provide the Examiner with paper copies of any

documents in these files upon requested, rather than inundating the US PTO and the Examiner at this time with unwanted paper.

Conclusion

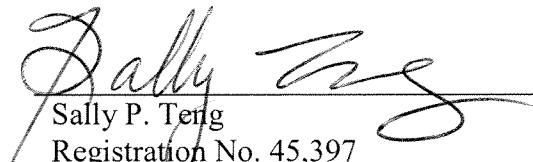
The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,
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